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Agenda item 4

Resolution adopted by the Human Rights Council on 23 March 2018

37/29. The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to the full respect of the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Condemning the grave deterioration of the human rights situation and the indiscriminate or deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Expressing deep concern about the situation of women, children and internally displaced persons, who remain among the most vulnerable to violence,

Recalling the obligation by all parties to the conflict to take all feasible precautions to avoid, and in any event minimize, harm to civilians and civilian objects, including schools and medical facilities as such, and the prohibition on attacking, removing, destroying or rendering useless objects indispensable to the survival of the civilian population, including drinking water installations, supplies and food stuffs,

Reiterating that the only sustainable solution to the current conflict in the Syrian Arab Republic is through an inclusive, Syrian-led and Syrian-owned political process under the auspices of the United Nations, based on the Geneva communiqué of 30 June 2012 as endorsed by the Security Council in its resolutions 2118 (2013) of 27 September 2013, 2254 (2015) of 18 December 2015 and 2268 (2016) of 26 February 2016 and relevant statements of the International Syria Support Group,

Expressing full support for the efforts of the Special Envoy of the Secretary-General for Syria to facilitate an inclusive and Syrian-led process, in accordance with the Geneva communiqué and Security Council resolution 2254 (2015), with a view to establishing credible, inclusive and non-sectarian governance, in accordance with the aforementioned documents, and urging the Special Envoy to continue to push the parties to negotiate a political transition,

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Welcoming Security Council resolution 2336 (2016) of 31 December 2016, and noting the ongoing work on de-escalation areas, hoping that these will lead to a sustained reduction in violence as a step towards a comprehensive nationwide ceasefire, and emphasizing that humanitarian access must be part of such efforts,

Recalling that, pursuant to Security Council resolution 2165 (2014) of 14 July 2014, all Syrian parties to the conflict are to enable the immediate and unhindered delivery of humanitarian assistance, and stressing that the arbitrary denial of humanitarian access, depriving civilians of objects and assistance indispensable to their survival, including wilfully impeding relief supplies, such as food aid and life-saving medical supplies, may constitute a war crime,

Recalling also the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Recalling further that deliberate attacks on civilians and civilian objects, such as schools and educational facilities, cultural heritage and places of worship, as well as medical facilities and personnel, may amount to war crimes,

Reaffirming that the use of chemical weapons constitutes a serious violation of international law, and reiterating that all those responsible for any use of chemical weapons must be held accountable,

Regretting that the mandate of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism has not been renewed,

Expressing its deepest concern at the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic,

Deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Acknowledging the ongoing efforts of human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

Deploring the fact that the conflict in the Syrian Arab Republic continues into its eighth year, and the subsequent devastating impact on the enjoyment of human rights in the Syrian Arab Republic,

1. *Welcomes and calls for* the full and immediate implementation of Security Council resolution 2401 (2018) of 24 February 2018, in which the Council demanded that all parties cease hostilities without delay for at least 30 consecutive days to allow the safe, unimpeded and sustained delivery of humanitarian aid and services and medical evacuations of the critically sick and wounded, in accordance with applicable international law;

2. *Calls upon* all Member States, especially members of the International Syria Support Group, to make renewed efforts to create conditions, including a comprehensive nationwide ceasefire, that support continued negotiations for a political solution to the Syrian conflict, under the auspices of the United Nations Office at Geneva, as only a durable political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

3. *Urges* the parties to the conflict to abstain from any actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situations in order to reach a genuine political transition based on the Geneva communiqué, consistent with Security Council resolutions 2254 (2015) and 2268 (2016), and with the full and meaningful leadership and participation of women in all efforts consistent with Security Council resolution 1325 (2000) of 31 October 2000 and subsequent resolutions on women, peace and security, that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, in which all citizens receive equal protection, regardless of gender, religion or ethnicity;

4. *Welcomes* the work of the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, to investigate all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that all perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable, and notes the importance of the work of the Commission of Inquiry and the information it has collected in support of future accountability efforts, in particular information on those who have allegedly violated international law;

5. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting the Commission immediate, full and unfettered access throughout the Syrian Arab Republic;

6. *Strongly condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed by all parties to the conflict, including the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

7. *Also strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), Al-Nusrah Front and other terrorist organizations designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, and reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

8. *Further strongly condemns* the Syrian authorities' use of starvation of civilians as a method of warfare, of besiegement directed against civilian populations and of cluster munitions, and the indiscriminate use of heavy weapons and aerial bombardment, incendiary weapons, ballistic missiles and barrel bombs, and stresses the particular situations of concern in Idlib, where reports suggest that the use of some of these methods of warfare by the Syrian authorities have recently led to the deaths of civilians and the internal displacement of 300,000 people, and Eastern Ghouta, where up to 400,000 people remain besieged, and demands rapid, unhindered and sustained humanitarian access to and medical evacuations for those in need;

9. *Strongly condemns* all attacks on medical and health personnel, first responders, their means of transport and equipment, and hospitals and other medical facilities, and deplores the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic;

10. *Also strongly condemns* the attacks against civilian objects, such as schools, as reported by the Commission of Inquiry, and the negative effects of the ongoing conflict on the rights and welfare of children, including their access to schools, medical care, education and humanitarian assistance, decries the violations of international human rights law and international humanitarian law, as applicable, and deplores in particular the impact of the denial of humanitarian access on their lives and well-being;

11. *Urges* all parties to the conflict, particularly the Syrian authorities and their allies, to comply with their respective obligations under international human rights law and international humanitarian law, including by refraining from carrying out attacks against the civilian population and civilian objects, medical units, personnel, patients and transport and schools and personnel involved in humanitarian assistance;

12. *Strongly condemns* all acts of sexual violence, including rape, which have disproportionately affected women and girls throughout the conflict in the Syrian Arab

Republic, and calls for immediate medical and psychosocial support to be provided to survivors of such crimes, and for every effort to be made to ensure justice for those who have suffered as a result of such crimes;

13. *Also strongly condemns* the widespread practice of enforced disappearance, arbitrary detention and the use of sexual violence, torture and ill-treatment, especially in detention facilities run by the Syrian authorities, including those acts referenced in the reports of the Commission of Inquiry and those depicted in the evidence presented by "Caesar" in January 2014, and notes that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

14. *Further strongly condemns* the reported killing of detainees in Syrian Military Intelligence facilities, in particular in the Mezzeh airport detention facility, and Military Security Branches 215, 227, 235, 248 and 291, and the reported killing of detainees at military hospitals, including Tishreen and Harasta, and expresses deep concern at reports that the regime used a crematorium to conceal a mass killing of prisoners at the Saydnaya penitentiary complex;

15. *Calls upon* the Syrian authorities and all otner parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), and, in particular, to end the arbitrary detention and torture of civilians in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded by the Council in its resolution 2139 (2014);

16. *Recognizes* the permanent damage that torture and ill-treatment, including sexual abuse and violence, causes to its victims and their families, and condemns the denial of medical services in all prisons and detention facilities;

17. *Calls for* the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees and detention facilities, and for the Syrian authorities to publish a list of all detention facilities;

18. *Calls upon* all parties to the conflict to cease the mistreatment and torture of detainees, to allow access to medical services for all detainees, and to provide information on those they have detained to their families;

19. *Demands* the immediate release of all persons arbitrarily detained, including women, children, human rights defenders, humanitarian aid providers, medical personnel and journalists, and notes the importance of ensuring justice for those arbitrarily detained;

20. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic and its alarming impact on the demography of the country, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes and crimes against humanity;

21. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation, including the indiscriminate use of car and suicide bombs, snipers and hostage-taking, demands that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

22. *Also strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular the destruction of the cultural heritage in Palmyra and Aleppo, and the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015, affirms that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

23. *Recalls* the decision of the Security Council in its resolution 2118 (2013) that the Syrian Arab Republic should not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to other States or non-State actors, and, in keeping with the decision of the Council, expresses its

strong conviction that those individuals responsible for the use of chemical weapons in the Syrian Arab Republic should be held accountable;

24. *Condemns in the strongest possible terms* the continued use of chemical weapons in the Syrian Arab Republic, which violates the Chemical Weapons Convention, Security Council resolution 2118 (2013) and the decisions of the Executive Council of the Organisation for the Prohibition of Chemical Weapons, including decision EC-M-33/DEC.1, and the use of chemical weapons in contravention of well-established international standards and norms against such use, and expresses its strong conviction that those individuals responsible for the use of chemical weapons must be held accountable;

25. *Recalls* the reports of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism of 26 October 2017, and expresses grave concern at its findings that the Syrian authorities were responsible for the use of chemical weapons in attacks in the Syrian Arab Republic, including sarin in one attack — in Khan Shaykhun on April 2017 — and chlorine in three attacks — in Tallmannis in 2014 and in Qaminas and Sarmin in 2015 — and that the so-called Islamic State in Iraq and the Levant (Daesh) was responsible for two sulphur mustard attacks in the Syrian Arab Republic, in Marea in 2015 and in Umm Hawsh in September 2016;

26. *Also recalls* the reports of the Commission of Inquiry, and expresses grave concern at its findings that the Syrian authorities were responsible for the use of sarin on 4 April, 2017 in Khan Sheikhoun;

27. *Expresses grave concern* at the conclusion of the Organisation for the Prohibition of Chemical Weapons fact-finding mission that sarin was more than likely used on 30 March 2017 in Al-Lataminah;

28. *Also expresses grave concern* at numerous continuing allegations of the use of chemical weapons in recent months and weeks, including in Idlib Province and Eastern Ghouta;

29. *Further expresses grave concern* at the reports of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons of July 2016, March 2017, July 2017 and October 2017, in which the Technical Secretariat reported that it had been unable verify that the declaration made by the Syrian authorities regarding their chemical weapons programme was accurate and complete, and calls upon the Syrian Arab Republic to cooperate fully with the Organisation to provide further clarification relating to the gaps, inconsistencies and discrepancies that remain concerning the declaration;

30. *Demands* that all parties identified in the reports of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism as having been involved in the use of toxic chemicals as weapons desist immediately from any further use;

31. *Stresses* the need to promote accountability for those responsible for the unlawful killings of civilians, and the importance of holding to account those responsible for all violations of international humanitarian law and all violations and abuses of international human rights law;

32. *Recalls* that the International Criminal Court was established to help to end impunity for applicable crimes in which the State is unwilling or unable to genuinely carry out investigations or prosecutions;

33. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent national, regional or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, noting the important role that the International Criminal Court can play in this regard;

34. *Welcomes* the establishment of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 by the General Assembly in its resolution 71/248 of 21 December 2016,

and stresses its mandate to cooperate closely with the Independent International Commission of Inquiry on the Syrian Arab Republic in all aspects of its work;

35. *Invites* Member States to support actively the International, Impartial and Independent Mechanism, including by considering the provision of information and data on the most serious crimes under international law committed in the Syrian Arab Republic, and to provide adequate financial means for its functioning;

36. *Reaffirms* that, in the context of an inclusive and credible dialogue, the Syrian people should determine the appropriate process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, and reparations and effective remedies for victims, and that ensuring accountability must be reflected as a prerequisite in any effort to bring about a sustainable, inclusive and peaceful conclusion to the conflict;

37. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and expresses deep concern at the plight of the approximately 3 million Syrians living in besieged and hard-to-reach areas in the Syrian Arab Republic, whose needs are particularly acute and who require full, immediate and safe humanitarian assistance;

38. *Strongly condemns* the Syrian authorities' removal of humanitarian aid from United Nations-approved convoys, including medical aid and supplies intended to reach desperate populations deprived of food, medical aid and vital necessities;

39. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, and that they ensure that the delivery of humanitarian aid reaches all those in need, including in hard-to-reach and besieged areas, in accordance with Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014) of 17 December 2014, 2254 (2015), 2258 (2015) of 22 December 2015, 2268 (2016), 2393 (2017) of 19 December 2017 and 2401 (2018), and calls upon Member States to fully fund the United Nations appeals;

40. *Expresses deep concern* for the more than 6 million internally displaced persons and 5 million refugees in the region fleeing the violence in the Syrian Arab Republic, welcomes the efforts of neighbouring countries to host Syrian refugees, acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, including the particular needs of women and girls, while emphasizing the principle of burden-sharing;

41. *Notes* those States outside the region that have put in place measures and policies to assist and to host Syrian refugees, and encourages them to do more, and also encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

42. *Welcomes* the international conferences on supporting the Syrian people and the region, held in Kuwait City and London, as well as the follow-up conference held in Brussels in 2017, and looks forward to the second Brussels conference on the Syrian Arab Republic, in April 2018, which is aimed at securing pledges for humanitarian needs in the Syrian Arab Republic and the region, renewing commitment to supporting the resilience of host communities and refugees in Turkey, Lebanon, Jordan, Iraq and Egypt, underlining the need to protect civilians and respect international human rights law and international humanitarian law and reaffirming international support for the United Nations-led intra-Syrian talks in Geneva within the framework provided by the Security Council in its resolution 2254 (2015);

43. *Renews* its call upon all members of the international community to respond expeditiously to the Syrian 2017 humanitarian appeals and to deliver in full all pledges, including multi-year pledges, made at the Brussels conference;

44. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and demands that all parties work towards a genuine political

transition, including through the establishment of an inclusive transitional governing body with full executive powers, and urgently work towards the comprehensive implementation of the Geneva communiqué and Security Council resolution 2254 (2015) within the framework of the United Nations-led intra-Syrian talks in Geneva;

45. *Decides* to extend for one year the mandate of the Independent International Commission of Inquiry on the Syrian Arab Republic;

46. *Requests* the Commission of Inquiry to provide an oral update to the Human Rights Council during the interactive dialogue at its thirty-eighth session, and to present an updated written report during an interactive dialogue at the thirty-ninth and fortieth sessions;

47. *Decides* to transmit all reports and oral updates of the Commission of Inquiry to all relevant bodies of the United Nations, recommends that the General Assembly submit the reports to the Security Council for appropriate action, expresses its appreciation to the Commission for its briefings to members of the Security Council, and recommends the continuation of future briefings;

48. *Also decides* to remain seized of the matter.

55th meeting
23 March 2018

[Adopted by a recorded vote of 27 to 4, with 16 abstentions. The voting was as follows:

In favour:

Afghanistan, Australia, Belgium, Brazil, Chile, Côte d'Ivoire, Croatia, Georgia, Germany, Hungary, Japan, Mexico, Panama, Peru, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Slovakia, Slovenia, Spain, Switzerland, Togo, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Burundi, China, Cuba, Venezuela (Bolivarian Republic of)

Abstaining:

Angola, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Philippines, Senegal, South Africa, Tunisia]